

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

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No. 03-cv-3817 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

On short notice, the Court scheduled a conference – held on June 5, 2014 – to specifically address the parties’ concerns about the impact of Greenberg Traurig’s charging lien, if any, on Enzo and PerkinElmer’s potential settlement. Based on the parties’ representations during the conference, the Court concluded that the parties were “on the verge of working this [issue] out” and that “it sounds like [the parties] don’t need [the Court], or to the extent [they] did, [the Court’s] work is done.” Now before the Court is a letter, dated June 12, 2014 and submitted under seal, from Enzo’s counsel retained in connection with Greenberg Traurig’s withdrawal as counsel of record. In the letter, counsel asks for the Court’s “guidance to help us finalize the escrow agreement.” The letter indicates that Greenberg Traurig is unwilling to accept certain edits to the agreement proposed by Enzo. It is unclear what authority the Court has to effectively compel – or even encourage – Greenberg Traurig to accept the proposed changes. After a cursory review of the excerpted portions of the escrow agreement provided to the Court, the Court concludes that there is nothing facially improper about the proposed edits. Without context or case law on point, the Court is unsure how it can provide the requested “guidance.”

Accordingly, IT IS HEREBY ORDERED THAT, if the parties wish the Court to intervene, the parties shall, without delay, provide case law demonstrating the authority for the Court to do so, and articulate explicitly what steps the parties wish the Court to take. The parties are reminded that this matter is scheduled for trial on June 30, 2014.

SO ORDERED.

DATED: June 12, 2014
New York, New York

A handwritten signature in black ink, appearing to read "Richard J. Sullivan", written in a cursive style.

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE